

JUDGEMENT & DECRETE 2789

JUNE 1929

PERTINENT PAGES CONCERNING AMOUNT
OF WATER AND ROTATION

1 them, from claims of adverse owners, and it is ordered and decreed
2 that the said waters were sold by said defendants to plaintiffs
3 the said defendants and their predecessors in interest, pursuant
4 to the terms of the Notice of Appropriation hereinbefore set forth
5 and referred to; and it is not a fact that the acts of said
6 defendants in permitting said waters to flow through said canal
7 was an act of neighborliness, but was a business enterprise.

8 (20) And it is further ordered and decreed that five inches
9 of water measured under a four inch pressure, continuous flow, during
10 all periods of the year is reasonable and necessary and a necessary
11 amount of water for each of the plaintiffs herein owning irrigable
12 lands as aforesaid to have flow upon their said premises through
13 said ditch or canal to be diverted from said Ash Creek for domestic
14 uses and for stock purposes.

15 (21) And it is further ordered and decreed that the said
16 defendant C. W. Clarke Company and their predecessors in interest
17 dedicated sufficient of the waters of said Ash Creek to a public
18 use for irrigation of the lands of plaintiffs in the manner and to
19 the extent hereinabove set forth; and that said defendants C. W.
20 Clarke Company shall be and are now under obligations and legally
21 bound to continue so to do.

22 And it is further ordered and decreed that the said
23 defendants are estopped to deny that plaintiffs, and each of them,
24 are entitled to the necessary and reasonable use of said water to
25 which they are entitled for the irrigation of their said lands from
26 said canal and for stock and domestic purposes as hereinbefore set
27 forth, and are estopped to deny that said plaintiffs and each of
28 them, are entitled to receive said water from said canal for the
29 irrigation of their said lands by paying therefor the sum of \$1.
30 per acre for each acre of said irrigable lands of said plaintiffs
31 so irrigated.

And it is further ordered that the said named plaintiffs

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are entitled to receive from the waters flowing in said canal for their first irrigation of their said lands commencing on the 2nd day of June of each year and continuous thereafter for the period of fifteen days, a continuous flow of the following amounts of water measured under a four inch pressure.

Mattie Mataan	60	inches
Chas. M. Leonard	20	inches
K. Weigand	60	inches
John P. Miller	75	inches
H. C. Watson	25	inches
A. H. Brunselmeir	25	inches

10 And it is further deposed that the following named
11 plaintiffs are entitled to receive from the waters flowing in said
12 canal for their second irrigation of their said lands, commencing
13 on the 1st day of August of each year and continuing thereafter for
14 a period of fifteen days a continuous flow of the following amounts
15 of water measured under a true level measure:

16	Adrew Babcock	60 inches
	Martin E. Babcock	60 inches
17	Lester A. and	
	Ernest G. Babcock	76 inches
	Alfred Babcock	66 inches
	Mattie P. Watson	60 inches
19	<u>Chas. M. Leonard</u>	20 inches
	K. Weigand	60 inches
20	John P. Miller	75 inches
	H. C. Watson	25 inches
21	A. H. Brunsmeyer	25 inches

23 And it is further agreed that the following named plain-
24 tiffs are entitled to receive from the waters flowing in said
25 canal for their usual irrigation of their said lands, commencing
26 at the 1st day of September of each year and continuing thereafter
27 for a period of fifteen days, a continuous flow of the following
28 amounts of water measured under a four inch pressure:

29	Andrew Babcock	100 inches
	Martin E. Babcock	86 inches
30	Lester A. and Erhest G. Babcock	70 inches
	Alfred Babcock	90 inches
31	Mattie P. Watson	82 inches
	Chas. W. Leonard	80 inches
	K. Weigand	60 inches
	John P. Miller	75 inches
	H. C. Watson	80 inches
	A. H. Brunselmaier	25 inches

1 And it is decreed that each of said plaintiffs are
2 entitled to have said amounts of water to which they are
3 entitled as hereinbefore set forth in the amounts and at the
4 stated, delivered to them at the points on said canal at the
5 various heads of plaintiffs' ditches.

6 And it is also ordered and decreed that the
7 named plaintiffs are entitled to a continuous flow of
8 the year of five inches of the waters of said Ash Creek, measured
9 under a four inch pressure, delivered through said canal to the
10 heads of their respective diversion ditches for domestic uses and
11 stock purposes, to wit:

12	Andrew Babcock	8 inches
13	Martin E. Babcock	8 inches
14	Lester A. and Ernest G. Babcock	8 inches
15	Mattie M. Watson	8 inches
16	Chas. M. Leonard	8 inches
17	Alfred Babcock	8 inches
	K Weigand	8 inches
	John F. Miller	8 inches
	H. C. Watson	8 inches
	A. H. Brunnselmeir	8 inches.

3 And it is further ordered and decreed that the
4 defendants be and they are hereby ordered and directed to draw
5 from said Ash Creek into said canal a sufficient amount of water
6 measured under a four inch pressure, during the periods and at the
7 times specified hereinabove each year, for the purpose of conveying
8 through said canal to the diversion ditches of said plaintiffs to
9 whom it is ordered and decreed that the said plaintiffs shall receive at the heads
10 of their various diversion ditches for the irrigation of their
11 lands and the crops raised and produced thereon and for other
12 domestic purposes, the amounts of water to which each of said
13 plaintiffs are entitled as hereinbefore set forth and decreed.
14 It is further ordered and decreed that said defendants shall
15 sell, and furnish for said plaintiffs, said amounts of water
16 from said Ash Creek through said canal for the irrigation of the
17 land of said plaintiffs and the crops raised and produced thereon.